

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20803 of 2020**

Arising Out of PS. Case No.-14 Year-2020 Thana- SHERGHATI District- Gaya

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Dhiraj Kumar Son of Sukhu Yadav @ Sarjun Das Resident of Village Mohalla
Gadh, P.S.- Sherghati, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kunwar Narayan Jamuar

For the Opposite Party/s : Mr.Dashrath Mehta

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 06-07-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner and
learned APP for the State.

Since the physical court proceeding is non-
functional the matter is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of physical
court proceeding. In the eventuality of non-removal of defects
within undertaken period, the office will place the matter before
the bench.

The petitioner is languishing in custody since
11.01.2020 in a case registered for the offences punishable
under Sections 414/34 of the Indian Penal Code, hence, the
prayer for bail has been made through the present application.



The prosecution case, as per the written report of S.I., Uday Shankar, SHO, Sherghat P.S. submitted to the Additional Chief Judicial Magistrate, Sherghati, is to the effect that on 10.10.2020 at 12.30 P.M., a confidential information was received that some miscreants have assembled near Surya Mandir for selling stolen vehicles, consequently, a raid was laid and three persons including the petitioner were apprehended though one person managed to escape from the scene and two motorcycles were recovered which were found to be stolen one. The apprehended accused confessed that they were indulged in committing theft of the recovered motorcycles and on their interrogation, further raid was laid and one Honda CB Shine motorcycle was recovered.

It is submitted by learned counsel for the petitioner that there is no recovery from the possession of the petitioner and investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that from the possession of the petitioner and other co-accused persons stolen motorcycles were recovered.

Considering the fact that the investigation has



already been concluded and statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati (Gaya) in connection with Sherghati P.S. Case No. 14 of 2020.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati (Gaya) in connection with Sherghati P.S. Case No. 14 of 2020.

The learned Court below is at liberty to further



extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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